

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **Mail Stop AF**
Vincent George McCarthy et al.) Group Art Unit: 3617
Application No.: 10/574,968) Examiner: Edwin L. Swinehart
Filed: September 20, 2006) Confirmation No.: 5903
For: APPARATUS AND METHOD FOR)
REDUCING MOTION OF)
FLOATING VESSEL)

PRE-APPEAL BRIEF CONFERENCE REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 3, 2011, a Pre-Appeal Brief Conference is requested.

Claims 1, 4, 7, 8, 9-14, 16, 17, 19-25, 27-30, 32, 33, 35-40, 43, 55, 58-60, 63, 64, 69 and 70 have been rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,655,312 to Pollack in view of U.S. Patent No. 3,263,641 to Stimson. Claims 1, 28, 55 and 59 are independent.

Applicants' independent claim 1 is directed to a vessel, a first stabilizer assembly and a second stabilizer assembly. Each stabilizer assembly includes at least a first submergible at least partially hollow body including at least one closed ballast tank of adjustable ballast. A suspending means suspends each partially hollow body below the vessel such that the partially hollow body is fully submerged below the water line of the vessel and above the seabed and is movable vertically relative to the seabed. One or more saddles are attached to a hull of the vessel and support the suspending means and transfers loads from the suspending means to

the vessel. The first and second stabilizer assemblies are suspended from substantially opposite respective sides of the vehicle. A top of the suspending means of the first stabilizer assembly is connected to a top of the suspending means of the second stabilizer assembly by a connection which is structurally separate from the vessel.

As shown in Fig. 3 of Applicants' specification, a vessel 2 includes saddles 18 located at an edge of a deck 12 on the port 8 and starboard 10 sides. The saddles 18 support chains 16. Tubes 14 are suspended from the vessel by the chains 16. As the vessel rolls, the tube impedes motion of the vessel and reduces rolling. The above example from Applicants' specification is meant to be non-limiting.

The Examiner recognizes that Pollack does not disclose ballast tanks as in Applicants' independent claim 1. Applicants also respectfully assert that Pollack does not disclose a suspending means for suspending the or each partially hollow body below the vessel such that the or each partially hollow body is fully submerged below the water line of the vessel and above the seabed and is movable relative to the seabed, in combination with the other claimed features of Applicants' independent claim 1.

In Pollack, an anchoring system reduces the motion of the anchored vessel. The anchors are for example pile, drag or suction anchors connected to the seabed. See column 2, lines 9-10. The anchoring systems works by anchoring lines being tensioned against each other in such a way that manipulating the anchoring lines may cause the orientation of the vessel to change. Thus, the system relies on the anchors being fixed to the seabed. If they were suspended, as in Applicants' independent claim 1, it would not be possible to operate the system as intended.

The anchor lines which are located across the vessel, for example, anchor lines 11 and 12, are movably connected with the fairleads 18, 19, 20, 21.

The Examiner alleges that it is inherent in Pollack that the anchors at some point are lowered to the seabed and thus are suspended from the vessel. However, although at some point the anchors must be deployed to the seabed, there is no reason for the ordinarily skilled artisan to assume that the deployment is done by the vessel to which they are later connected. For example, the anchors may be situated on the seabed by a remotely operated vehicle completely separate from the vessel and then secured to a cable line that is run to the vessel. In addition, the anchors may have been deployed beforehand and identified with a buoy. Because it is essential in Pollack that the anchors are significantly offset from the center line of the vessels, (see Fig. 1 of Pollack) it seems that the anchors would not be lowered at the same time from different sides of the vessel prior to being secured to the seabed. If this was the case, one anchor would have to be secured to the seabed, then, with the other anchor still suspended from the other side of the vessel, the vessel would have to be moved away from the first anchoring point in order locate the second anchor in an appropriate location. Then, the distance to first anchor would have to be changed again to properly set the distance of the first and second anchors from the vessel. Pollack disclose multiple set of anchors at the front and back of the vessel. Even if physically feasible, the ordinarily skilled artisan would not have contemplated this highly complicated way of locating the anchors. Further, the Pollack patent provides no indication that the anchors are set this way. In addition, the Examiner's contrived method of placing the anchors appears to be contrary to the teachings of the Pollack patent as it would be difficult to obtain the desired result.

The Stimson patent does not overcome the deficiencies of Pollack, noted above. Stimson discloses an anchoring arrangement so that the combination of Stimson and Pollack would simply replace the anchors disclosed in Pollack with the anchors disclosed in Stimson. There is no teaching in Stimson that the anchor should be suspended.

Applicants believe that the ordinarily skilled artisan would not have been motivated to combine the Pollack and Stimson patents as suggested by the Examiner. If the Stimson device was used "above the seabed," it would not work as intended. Stimson discloses a way to adjust the pressure in the open bottom compartment. The cylindrical wall 10 is meant to sink in the mud bottom 29 of the seabed and provide a fluid tight seal between the open bottom compartment 10 and the bottom of the ocean to prevent the pressure of the water from the ocean from reaching a high value within the open bottom compartment 10. The pressure of the open bottom compartment is adjustable to attach and detach the open bottom compartment from the seabed. If the anchoring structure of Stimson was substituted for the anchors of Pollack, and suspended below the water line and above the seabed, the Stimson anchors would be rendered useless for their intended purpose.

The combination of Pollack and Stimson do not disclose the claimed suspending means having the function of suspending the or each partially hollow body below the vessel such that the or each partially hollow body is fully submerged below the waterline of the vessel and above the seabed and movable vertically relative to the seabed. Instead, the function of the anchors of Pollack and the anchoring structure of Stimson are to be placed on the seabed.

Applicants' independent claims 28, 55, 58 and 59 are allowable for reasons similar to those discussed above with respect to independent claim 1.

As discussed above, the U.S. Patent and Trademark Office has not established a *prima facie* case in support of the rejection because of the factual deficiencies in the rejections.

In the event there are any questions regarding this request, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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